

7-38. Prevention of Significant Deterioration: Administrative Enforcement (1200 TN 350 7-38)

1. AUTHORITY. Pursuant to the Clean Air Act (CAA), to issue orders to prevent construction of a major emitting facility which does not conform to the requirements of Part C, Title I of CAA, or which is proposed for construction in any area included in the list promulgated pursuant to Section 107(d)(1)(D) or (E) and which is not subject to an implementation plan which meets the requirements of Part C, Title I.

2. TO WHOM DELEGATED. Director, Enforcement and Compliance Assurance Division (ECAD).

3. LIMITATIONS.

- a. The delegatee must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the above authority.
- b. The AA/OECA may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the AA/OECA or his/her designee must notify the Regional Administrator or his/her designee before exercising the above authority. The AA/OECA may waive his/her consultation requirements by memorandum.
- c. The delegates must obtain the concurrence of the Regional Counsel or his/her designee before exercising this authority.

4. REDELEGATION AUTHORITY.


- a. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency TRO's."
- b. Section 167 of CAA.

6. SUPERSESSION. Delegations Manual, CAA, Regional Delegation 7-38. Prevention of Significant Deterioration: Administrative Enforcement, 1200 TN RIII 135 (October 26, 1999).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator